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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,764	07/25/2001	Raffie Eskandarian	60116-800US01	5610

7590 06/14/2006

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EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/912,764	ESKANDARIAN, RAFFIE	
	Examiner	Art Unit	
	Arezoo Sherkat	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/25/01</u> . | 6) <input type="checkbox"/> Other: _____ |

Reopening of Prosecution - New Ground of Rejection After Appeal Brief


In view of the Appeal Brief filed on 3/31/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: a computer readable media 18, a display device 20 for providing a user-perceivable display, and a user input device 22.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Smithies et al., (U.S. Patent No. 6,064,751 and Smithies hereinafter).

Regarding claims 9 and 13, Smithies discloses a method for receiving and processing user indicia of authorization on a computer network having a user computer, wherein the user computer includes an input device, a display device and a pointer that

defines locations on the display device, wherein the input device includes an entry member and is configured to move the pointer in a continuous path on the display device (col. 4, lines 30-41), comprising:

placing the pointer (i.e., pen-based hardware) within the data receiving region via the input device, depressing the entry member on the input device, moving the pointer within the data receiving region via the input device to create user indicia of authorization within the data receiving region (i.e., moving the pen or stylus across the screen)(col. 4, lines 30-41);

applying a fitting algorithm to the user indicia (col. 7, lines 44-60);

compressing the user indicia, and converting the compressed user indicia to a digital bitmap image (col. 13, lines 44-50), and

assigning a unique code to the user indicia, and storing the user indicia in a database (col. 14, lines 13-42).

presenting a user an HTML page containing an applet, wherein the applet configures an input pad having a data-receiving region on the display device (i.e., a form or window 20 (similar to that shown in Fig. 3) is shown on the computer screen and the gravity prompt 22 is displayed by the signature capture module 4)(col. 10, lines 10-67 and col. 11, lines 1-20).

Regarding claim 10, Smithies discloses a method as claimed in claim 9, further comprising recording field information associated with the user indicia (col. 15, lines 1-10).

Regarding claim 11, Smithies discloses a method as claimed in claim 9, further comprising retrieving the stored user indicia (col. 11, lines 43-64).

Regarding claim 12, Smithies discloses a data receiving device as claimed in claim 4, wherein the user indicia is defined by the value of the pixel coordinates upon which the user indicia is deposited in the data receiving region (col. 12, lines 37-67 and col. 13, lines 1-10 and col. 21, lines 55-67).

Regarding claim 14, Smithies discloses a data-receiving device as claimed in claim 1, further comprising a data retrieval mechanism, wherein the data retrieval mechanism is configured to restrict access to the storage database (col. 18, lines 9-65).

Regarding claim 15, Smithies discloses a data receiving device as claimed in claim 1, wherein the input device further comprises an entry member, wherein the depression of the entry member activates the data input capability of the input device (col. 4, lines 4-41).

Regarding claim 16, Smithies discloses a system as claimed in claim 5, further comprising a participant computer, wherein the participant computer is assigned a participant code and a data retrieval mechanism (i.e., the database uses the concept of

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a person object to represent the template together with the unique identifying information)(col. 18, lines 1-67).

Regarding claim 17, Smithies discloses a system as claimed in claim 16, wherein the data retrieval mechanism is configured to restrict the access of the participant computer to the user indicia stored in the storage database which is associated with the participant code (col. 18, lines 1-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithies et al., (U.S. Patent No. 6,064,751 and Smithies hereinafter), in view of Moussa et al., (U.S. Patent No. 5,680,470 and Moussa hereinafter).

Regarding claims 1 and 5, Smithies discloses a data receiving device for accepting user indicia of authorization on a computer network having a user computer (col. 5, lines 29-35 and col. 17, lines 48-57), wherein the user computer includes a

display device and a pointer that defines locations on the display device (col. 4, lines 30-41), comprising:

an input device, wherein the input device is configured to control the pointer in the computer and configured to move the pointer in a continuous path on the display device (col. 4, lines 15-41), computer, and a data processor, the data processor further comprising:

a software applet, wherein the software applet configures an input pad comprising a data receiving region, the data receiving region being defined by a matrix grid (col. 12, lines 37-67 and col. 13, lines 1-10 and col. 21, lines 55-67) ; and

a storage database (col. 8, lines 42-67), and a processing script, wherein the processing script receives the processed input user indicia and stores the user indicia in the storage database (col. 16, lines 62-67 and col. 17, lines 1-67).

Smithies does not expressly disclose a fitting algorithm, wherein the fitting algorithm is configured to smooth user indicia input into the input pad.

However, Moussa discloses a fitting algorithm, wherein the fitting algorithm is configured to smooth user indicia input into the input pad (col. 4, lines 45-67 and col. 5, lines 1-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Smithies with teachings of Moussa because it would allow to expressly include a fitting algorithm, wherein the fitting algorithm is configured to smooth user indicia input into the input pad as suggested by Moussa. This modification would have been obvious because one of

ordinary skill in the art would have been motivated by the suggestion of Moussa to avoid costly human review of the signature and provide a method of automated signature verification (Moussa, col. 1, lines 35-41).

Regarding claims 2 and 7, Smithies discloses a data receiving device as claimed in claim 1, wherein the software applet is configured to receive input data from the input device (col. 12, lines 37-67 and col. 13, lines 1-10).

Regarding claims 3 and 8, Smithies discloses a data receiving device as claimed in claims 2 and 7, wherein the input data is a handwritten signature (col. 3, lines 45-50).

Regarding claim 4, Smithies discloses a data receiving device as claimed in claim 1, wherein the structure of the matrix grid is defined by pixel coordinates (col. 21, lines 55-67).

Regarding claim 6, Smithies discloses a system as claimed in claim 5, further comprising a data retrieval mechanism (col. 18, lines 9-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.

A. Shukert
Patent Examiner
Group 2131
June 6, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

CR 6/11/06